



Draft Minutes
Governor's Traffic Stop Advisory Board
Internal Review Subcommittee Meeting
October 9, 2008

Members Present: Dr. Luis Fernandez (Teleconference), Chief Robert Huddleston, Tom Milldebrandt

Members Absent: Jason Martinez

Staff: Dora Vasquez, John Raeder

Others Present: Deputy Director Pennie Gillette-Stroud, Sergeant Mike Prochko, Annie Lai, Annie Foster

1. CALL TO ORDER

- Dr. Fernandez called the meeting to order at approximately 2:10 p.m.

2. INTRODUCTIONS/ANNOUNCEMENTS

- There were no announcements

3. CONTINUATION OF DPS RACIAL PROFILING INVESTIGATION PROCESS DISCUSSION (POSSIBLE ACTION)

- Dr. Fernandez reviewed email exchanged with DPS.
- DPS Deputy Director Gillette-Stroud explained DPS's rationale for providing the information on the three random internal investigation cases.
- Due to the fact that the material was not provided to the subcommittee members until the morning of October 9, 2008, the subcommittee members present agreed that they did not have adequate time to review the material.
- Dr. Fernandez asked DPS to provide a timeframe for when the subcommittee would receive the rest of the internal investigation cases that were requested.
- DPS Deputy Director Gillette-Stroud made the following statement, " We [DPS] are not willing provide 32 redacted cases at this time. If the purpose of this review, in which you state our goal here is to assess the procedures and practices of DPS, looking at 32 different cases in the timeframe your talking about would take all of your time. If the processes and procedures are consistent if you review a random sampling of that. We [DPS] are certainly willing to provide a few extra to give you maybe 25%, but to give

you 100% and then for you to review each one of those and make an assessment to see if there was a variation of some process or procedure; there is a central repository for all of these to go through to insure there is some consistency and that is the Professional Standards Unit to investigate each one of these cases. There has been over time a refinement of the final review in that all of these cases now go to the Director's Office to be reviewed by myself and the Director as a final decision point. If there should be a overturning of the findings for the investigation or finding of some other violation. There has been a varying difference in the process and procedures as we have evolved through this time period of the settlement agreement. So there are some variances there, but I think the investigation is consistent in how it is conducted by the investigators; what resources are utilized, the C.O.T.S. data, review of other technology that we have, video, cameras, the CAD system, we do have that ability and that's apparent in the cases that we have provided today. If there was an additional small number that you would like us to provide you, than we will."

- Dr. Fernandez recommended that the statement by Deputy Director Gillette-Stroud be added to the minutes and see how the board would like the sub-committee to proceed. Chief Huddleston and Mr. Milldebrandt agreed.
- No action taken on DPS Racial Profiling Investigation Process.

4. CONTINUATION OF CONSENT SEARCH DISCUSSION (POSSIBLE ACTION)

- Dr. Fernandez reviewed what had been discussed in previous subcommittee meetings.
- Ms. Vasquez stated to the sub-committee that it should be considered that consent searches are a Constitutional legal matter rather than a policy matter that this board or subcommittee would set.
- Ms. Lai stated that the ACLU recommendations were directed at making sure the current DPS policy of training officers to use "Reasonable Suspicion" is standardized and enforced throughout the department as official DPS policy.
- After discussion of the four ACLU recommendations, the sub-committee could not reach any type of agreement. Specifically item number four, which states that a consent search may only be conducted after a vehicle stop if the target of the search signs the consent to search form. Mr. Milldebrandt and Chief Huddleston felt that this was an unnecessary requirement. Dr. Fernandez suggested that these items should be considered "Points for Discussion" and sent to the Board with the understanding that there is no consensus of the subcommittee. All parties involved will be welcome to present specific objections to the points at the upcoming board meeting.
- DPS Deputy Director Gillette-Stroud asked for clarification on discussion point three, which states that the officer shall document the factors resulting in "reasonable suspicion" and note these at the time of the stop on the consent to search form.

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- Ms. Lai stated the recommendation was designed to make sure officer supervisors have all the information involved in the stop to make assessments as to whether officers are using reasonable suspicion when performing searches.
- DPS Deputy Director Gillette-Stroud introduced specific police situations in which this process would be impractical given the circumstances involved in the investigative process.
- After discussion it was clarified that reasonable suspicion documentation is recorded in situations in which arrests are made. Dr. Fernandez pointed out that the goal should be to collect information on the stops in which no arrests or citations are made; not with the goal of punishing officers but with the goal of collecting as much data as possible in order to assess what is occurring during a stop. The recording process should be as easy or fluid as simply recording what the officer is observing to insure that the stop is based on reasonable suspicion and not other factors.

Action: Dr. Luis Fernandez moved that there is disagreement on the subcommittee as what to do with the four ACLU recommendations and as such the committee will forward the recommendations to the board as an agenda item for the October 16th meeting. In addition the ACLU and DPS will be invited to make a presentation on the items. Chief Huddleston seconded the motion. The motion passed unanimously.

5. CALL TO THE PUBLIC

- There were no public requests

6. FUTURE MEETING DATES

- Awaiting board suggestions

7. FUTURE MEETING AGENDA ITEMS/DISCUSSION

- None

8. ADJOURNMENT

- Meeting adjourned at 3:06pm on October 9, 2008.